

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

New England Carpenters Health)
Benefits Fund, *et al.*)
Plaintiffs,)
)
)
v.)
)
First DataBank, Inc., *et al.*)
Defendants.)
_____)

2008 JUN 10 A 10:37

U.S. DISTRICT COURT
DISTRICT OF MASS.

CIVIL ACTION
NO. 05-11148-PBS

MOTION FOR LEAVE
TO FILE BRIEF AS *AMICUS CURIAE*
BY THE NATIONAL ASSOCIATION OF CHAIN DRUG STORES, INC.

The National Association of Chain Drug Stores, Inc. (NACDS), through its undersigned counsel, who has already entered an appearance in this matter on behalf of NACDS, respectfully moves this Court for leave to file an *amicus curiae* brief (attached hereto with accompanying affidavits) in opposition to the Plaintiffs' Motion to Compel the production of RelayHealth pharmacy payment and pricing data, which consists of the data of NACDS members, for the reasons stated in the accompanying memorandum.

Respectfully submitted,



Philip G. Kircher

COZEN O'CONNOR
1900 Philadelphia Street
Philadelphia, PA 19103
(215) 665-2000

Counsel for the National Association
for Chain Drug Stores, Inc.

Dated: June 9, 2008